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MACRONIX INTERNATIONAL CO., LTD.
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SPANSION LLC, a Delaware corporation,

Plaintiff,

v.

MACRONIX INTERNATIONAL CO., LTD., a
Taiwan corporation, and MACRONIX
AMERICA, INC., a California corporation,

Defendants.

CASE NO. C 06-01733 (MJJ) (EMC)

**REVISED STIPULATED [PROPOSED]
ORDER RE DEFENDANTS' MOTION TO
COMPEL FURTHER RESPONSES AND
PRODUCTION OF DOCUMENTS AND
FURTHER RESPONSES TO
INTERROGATORIES**

1 On September 20, 2006, Defendants Macronix International Co., Ltd. ("MXIC") and
2 Macronix America, Inc. ("MXA") (collectively, "Defendants") filed their Motion To Compel
3 Plaintiff Spansion LLC ("Spansion") to produce all nonprivileged documents responsive to
4 Document Request Nos. 28 and 62, and to provide supplemental responses to Interrogatory Nos. 5
5 and 6. Spansion filed an Opposition on October 11, 2006 and Defendants submitted a Reply
6 Memorandum on October 18, 2006. The motion is set for a hearing before the Honorable Magistrate
7 Judge Edward M. Chen on November 1, 2006. The parties have continued to meet and confer and
8 respectfully ask the Court to vacate the scheduled hearing and instead enter the following stipulated
9 order ("Order"):

10 Spansion shall produce all nonprivileged documents responsive to Defendants' Document
11 Request No. 28.

12 Spansion shall produce all nonprivileged documents responsive to Defendants' Document
13 Request No. 62.

14 Spansion shall provide a supplemental response to MXA's Interrogatory No. 5, identifying all
15 facts currently known to Spansion that support Spansion's allegations in paragraphs 6, 35, 47, and 56
16 of the First Amended Complaint that Spansion has suffered damages, including, but not limited to,
17 copyright and lack of attribution damages, and alleged damages based on Spansion's alleged lost
18 sales of MirrorBit® products. In particular, Spansion shall state whether it is claiming any damages
19 based on alleged lost MirrorBit® sales based on its own sales information regarding MirrorBit®, and
20 if so, what damages based on alleged lost MirrorBit® sales it is claiming.

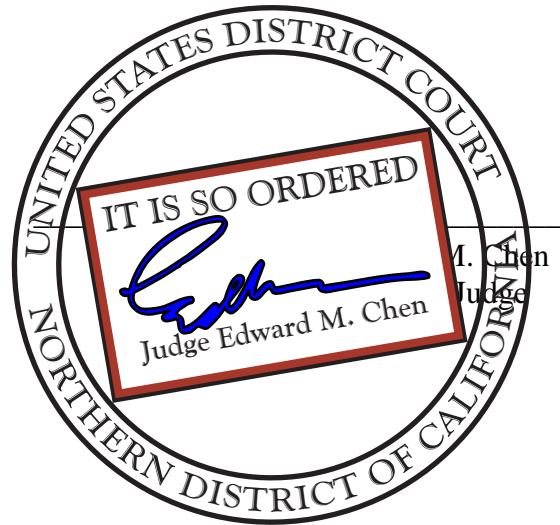
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Spancion shall provide a supplemental response to MXA's Interrogatory No. 6, identifying any and all customers currently known that Spancion claims were deceived, as alleged in paragraphs 18, 19, 20, 30, 31, and 32 of the First Amended Complaint, or otherwise "induced" to act under a "mistaken belief," as alleged in paragraphs 46 and 56 of the First Amended Complaint. If Spancion cannot identify any customers that it contends were deceived or induced to act under a mistaken belief at this stage of the case, Spancion shall so state in its supplemental response.

The hearing set for November 1, 2006 shall be taken off calendar.

IT IS SO ORDERED.

DATED: October 27, 2006



Agreed by and between counsel:

DATED: October 26, 2006

/s/
Steven J. Johnson
Attorneys for Defendants,
MACRONIX INTERNATIONAL CO., LTD
and MACRONIX AMERICA, INC.

DATED: October 26, 2006

/s/
Anup Tikku
Attorneys for Plaintiff
SPANSION LLC